



03-03-06

Atty. Dkt. No. 051916-0107-2

DPC
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Diane VAN ALSTYNE *et al.*

Title: PEPTIDES REPRESENTING
EPITOPIC SITES FOR
BACTERIAL AND VIRAL
MENINGITIS CAUSING AGENTS
AND THEIR CNS CARRIER,
ANTIBODIES THERETO, AND
USES THEREOF

CERTIFICATE OF EXPRESS MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EL 9624244677 US	March 2, 2006
(Express Mail Label Number)	(Date of Deposit)
Charles Schreck	
(Printed Name)	
(Signature)	

Appl. No.: 09/489,850

Filing Date: January 24, 2000

Examiner: Patricia A. Duffy

Art Unit: 1645

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.137(b)**

Mail Stop PETITION
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Petition is in reply to the Notice of Abandonment mailed March 1, 2005. Applicants hereby petition for withdrawal of the holding of abandonment, due to their failure to reply to the Restriction Requirement, which was originally dated September 28, 2001, which was reissued on July 2, 2004. Applicants also include the appropriate petition and extension fees.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The first-named co-inventor, Diane Van Alstyne, was prosecuting the captioned application *pro se*. Ms. Van Alstyne is neither a patent attorney nor a registered U.S. patent agent. She now has requested the undersigned to manage this portfolio and has submitted herewith the appropriately executed Power of Attorney.

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As an aside, this application previously had been technically abandoned due to the PTO's error in recording Applicants' timely-filed papers (at a time that preceded the present situation). Applicants successfully revived the application at that time. Please see the Decision on the Petition to Withdraw Abandonment dated February 28, 2003.

Accordingly, Applicants intended to retain pendency of this application. The delay in determining the events that transpired to the present notice of abandonment and the present filing was therefore unintentional. For this reason, Applicants respectfully request that the Commissioner grant Applicants' Petition for Withdrawal of Abandonment in the present application.

Respectfully submitted,

Date March 2, 2006

By V. S. Peet

FOLEY & LARDNER
Customer Number: 22428
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Vid Mohan-Ram
Registration No. 55,459
Richard C. Peet
Attorney for Applicant
Registration No. 35,792



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

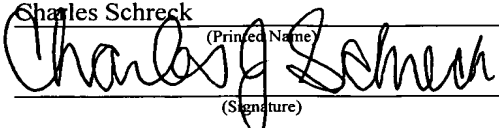
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Charles Schreck	
(Printed Name)	
	
(Signature)	

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND
RESPONSE TO RESTRICTION REQUIREMENT TRANSMITTAL**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-reference patent application went abandoned due to failure to reply to the Response to Restriction Requirement. However, due to extenuating circumstances, applicant encloses a Petition to Withdraw the Holding of Abandonment or in the Alternative for Revival of Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b). In support of this Petition an appropriately executed Power of Attorney is attached.

Also enclosed herewith please find a Response to Restriction Requirement.

Fee for Petition to Withdraw Abandonment	\$1500.00
Extension for response within fifth month	\$2160.00
SUBTOTAL	\$3660.00
Small Entity Fees Apply (subtract ½ of above):	\$ 1830.00
TOTAL FEE:	\$1830.00

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 2, 2006

FOLEY & LARDNER LLP
Customer Number: 27433
Telephone: (312) 832-4553
Facsimile: (312) 832-4700

By V. S. Mohan-Ram

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